

March 5, 2017

Missouri Department of Natural Resources

DNR Director Carol Comer

PO 176, 1101 Riverside Drive

Jeff City, MO 65102-0176

Dear Ms. Comer,

As a group of concerned Environmental Consultants working on Petroleum Storage Tank Insurance Fund (PSTIF) releases in Missouri, and having been recently notified during EPA Region 7's DNR LUST Tank program review that PSTIF Director Carol Eighmey is a DNR employee, we want to bring some issues to your attention.

We believe DNR employee Eighmey has been operating the PSTIF program unethically for years. We are collectively going to provide you with examples. We apologize in advance as to the anonymous nature of our complaints, but DNR employee Eighmey has shown a willingness to retaliate against businesses who don't do as she instructs. Our group has over 200 open PSTIF releases we are working, and none of our group can withstand any retaliatory loss of business.

One example of her unethical behavior has been requiring Mo Env. Consultants to send her our reports in "word" format before we submit those reports to your other DNR Section, the Tanks program. She then has consistently been personally manipulating the words and sometimes data in those reports forcing us to accept her "track changes" and forcing us to seal the reports with either our professional RG or PE seal. Again, if you don't accept her personal revisions, she will tell the PSTIF adjuster the report is garbage and not pay for the report. She also will find ways to try to get our firms kicked off other PSTIF business. It has happened to our members of this letter.

To verify this allegation, we suggest you invite her to your office, ask her point blank if she has been doctoring consultants reports before they are sent to your DNR regulatory unit (Tanks). She has to say "yes". Then ask her to put together a list of the reports she has doctored over the last ten years. At the same time confiscate both her computer and that of her assistant to verify her list is accurate. You are going to be devastated to learn how many reports she has doctored. Many are on high profile sites whereby public health and the environment are at risk (just a few examples of high profile cases she has manipulated are two Kansas City releases: R 9051 and R 9133 Main Street Shell, and R 8771 and R 9084 Inner City Oil (also sometimes referred to as Zill) We had an attorney review some of her re-writes, and it was that attorney's legal opinion by her personally manipulating the language in the report, she has at least partially transferred the risk that we reached the wrong environmental conclusions or have put together the wrong plans for addressing pollution to the PSTIF Board of trustees. This is a clear and on-going violation of the provisions of 319. Not only is your DNR employee financing the steps necessary to address the release, she is directly downplaying the extent of the contamination in an effort to hide the full extent of the contamination from your own DNR Regulator and too often then directing the slowing

of delineation or cleanup work to protect the polluter. Another example of this is release R6621. One of his techs discovered contamination in a monitoring well, but DNR employee Carol Eighmey forced that consultant to not report to DNR Tanks this finding, but to instead call the probable pollutant “a substance”. These are just a few of the examples she is behaving unethically and in direct violation of 319.

Second unethical issue, within the past year she attempted to modify the closure reimbursement process. As the PSTIF Executive Director she has the right to make changes, but in doing so she made **retro-active** changes that decreased reimbursements to our clients for work already completed. Retroactively apply higher reimbursement standards is unethical.

How to verify-send out an email from your office to all environmental consultants in the state asking how many of their clients were getting screwed by DNR employee Eighmey's attempts to retroactively lower reimbursements.

Third unethical issue. On a high profile case with serious off-site vapor exposures to residents in an impoverished area of KC she had our env. consultant's tech collect off-site samples down gradient from the logical source of the pollution in the neighborhood. She then had those samples shipped to an out of state lab for high tech chemical analysis of what was in those off-site wells. Instead of making the lab analysis public (she even kept the results from the env. consultant representing the gas station owner) she deep sixed the information.

How to verify- we believe EPA Region 7 reviewed R 8771 and R 9084 as part of their recent LUST Tanks review. Check with Doug Douare at Region 7 and ask, “Did he review the off-site well chemical analysis (we believe this was likely a PIANO test or something similar) or was that information hidden from the Federal Government?”

Other examples of your DNR employee Carol Eighmey trying to hide information to protect polluters is recently we have had two separate PSTIF adjusters complain to our drilling crews that Eighmey has instituted a new PSTIF policy of having the PSTIF adjusters no longer put pertinent information about their daily observations in the PSTIF file notes. Reportedly, this change was made so your DNR Tanks employees could not see what was going on in the field. (DNR Tanks has some type of access to the PSTIF database, but we don't know what type of access that is). We believe this is yet another example of one of your employees actively trying to subvert your other employees work.

How to verify-pull into your office some PSTIF adjusters, give them immunity to discuss various issues, and bring up this new change in policy.

Finally, we as tax payers have great concerns our tax dollars are being wasted. You have one tax payer financed DNR employee actively working to hide the extent of pollution from other DNR tax payer funded employees whose sole job is to when a leak occurs, force the polluter to delineate the **full extent** of the contamination, and then apply MRBCA standards for a potential cleanup.

Carol Eighmey is a DNR employee. You are the DNR Director. We environmental consultants request you take appropriate action. Hiding pollution from the public, their political representatives, and your own DNR staff is delaying cleanups in Missouri and exposing Missourians to undue health risks.

Sincerely,

Concerned Environmental Consultants doing PSTIF work in Missouri

c.c. EPA Region 7

Attn: Doug Douare

11201 Renner Road

Lenexa KS 66101

Fox 41 Fox 4 news

3030 Summit

Kansas City, MO 64108

MID-MISSOURI PELDF
MO 652 1 L
06 MAR 2017 PM



EPA Region 7
Doug Dougan
11201 Renner Blvd.
Lenexa KS. 66101

RECEIVED

MAR -8 2017

AWMD/CORP

6621949801

